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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,532	11/29/2001	SHAWN R. GETTEMY	PALM-3698	5478

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WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

RAO, SHRINIVAS H

ART UNIT	PAPER NUMBER
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2814

MAIL DATE	DELIVERY MODE
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10/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/997,532	GETTEMY, SHAWN R.	
	Examiner	Art Unit	
	STEVEN H. RAO	2814	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11, 14-22, 25-27 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 3-11, 14-22, 25-27 & 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

Applicants' response filed on August 06, 2008 has been entered and forwarded to the examiner on September 28, 2008.

Therefore claims 3-11, 14-22 and 25-32 as currently amended and claims 33 to 35 as presently newly added are currently pending in the application.

Claims 1-2, 12-13, 23-24 and 28 have been cancelled.

Information Disclosure Statement

To date no IDS has been filed in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

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Claims 33-35, 3-11,14 -22 25-27 and 29-35 are rejected under 35 U.S.C. 103(a) as being obvious over Mamiya et al. (U.S. Patent No. 5,764,322, herein after Mamiya) in view of AAPR (Applicants' applied Prior Art as seen at least from drawings figs. 1A-B and pages 1-4, etc.).

Kubo et al. (U.S. Patent No. 6,456,279 herein after Kubo).

(for response to Applicants' arguments- see section below).

With respect to claims 33 to 35 , Mamiya describes a display assembly comprising: a backlight device (Mamiya fig. 14, etc. , col. 8 lines 20-25) a light reflecting film; (Mamiya fig. 14., etc. # 116) and a reflective-type display (Cl.34- microstructure) comprising at least one pixel (Mamiya fig. 14 , col. 7 lines 35-40, col. 10 line 35) . Mamiya does not specifically mention a light conducting spacer.

However AAPR figs. 1A-B and page 7 lines 4 to 12 , etc. shows a light conducting spacer to maintain the distance between the top and bottom layers and yet are small enough to be indiscernible to a user, particularly when they are in a liquid.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include AAPR's spacer in Mamiya's device. The motivation for the above inclusion is to maintain the distance between the top and bottom layers and yet are small enough to be indiscernible to a user, particularly when they are in a liquid. (AAPR page 7).

The remaining limitations are :

The Limitation "operative to conduct light through said reflective-type display" these limitations recite the manner in which the claimed apparatus is intended to be employed.

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987).

wherein said reflective-type display is located between said backlight device and said light reflecting film. (cl. 34- reflective microstructure) (AAPR figs. 1A , Mamiya figs.) and (Cl. 35) -a brightness enhancing film (BEF) located between said backlight device and said reflective-type display. (Mamiya co. 9 lines 10-39).

With respect to claims 3-4,14-15 and 26 describe the display assembly of Claim 1, wherein said backlight device is an electro-luminescent (EL) light device, LED (col. 10 lines 45-46).

With respect to claims 5 and 16 describe the display assembly of Claim 1, wherein said backlight device is a cold cathode fluorescent tube (CCFT).light device. (col. 10 lines 45-46).

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With respect to claims 6 and 17 describe the display assembly of Claim 1, further comprising a brightness enhancing film (BEF) disposed between said backlight device and said bottom surface of said reflective display and for directing light toward said light guide. (Col. 9 lines 10-39).

With respect to claims 7,8, 29, 18, 19,30 and 31 describes the display assembly of Claim 1., wherein said. reflective display is an electronic ink display and an electronic paper display. The limitations the reflective display is used as a electronic ink display and electronic paper display, these limitations recite the manner in which the claimed apparatus is intended to be employed. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987).

With respect to claim 10 describes the display assembly of Claim 1, wherein said light guide comprises a plurality of said light guides which enclose an area of said reflective display. (col. 7 lines 21-25).

With respect to claim 11 describes the display assembly of Claim 10, wherein said plurality of said light guides enclose a sub-pixel of said reflective display. (Mamiya Figure 14, col. 7 lines 35-40, col. 10 line 35).

With respect to claim 21 describes the display assembly of Claim 1, wherein said light guide comprises a plurality of said light guides which enclose an area of said reflective display. (Mamiya col. 1 lines 50-55).

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With respect to claim 22 describes the display assembly Claim 12, wherein said plurality of said light guides enclose a sub-pixel of said reflective display. (Mamiya Figure 14, col. 7 lines 35-40).

With respect to claim 25 Mamiya describes the display assembly of Claim 23, wherein said backlight device is an electro-luminescent (EL) light device. (Hirakata co1.3 lines 1 7-20, etc).

With respect to claim 27 Mamiya describes the display assembly of Claim 23, wherein said backlight device is a cold cathode fluorescent tube (CCFT) light device. (col. 10 lines 45-46).

With respect to claim 28 describes the display assembly of Claim 23, further comprising a brightness enhancing film (BEF) disposed above said backlight device and below said reflective display for directing light toward said plurality of light guides. (Col. 9 lines 10-39).

With respect to claim 32 describes the display assembly of Claim 23, wherein said plurality of light guides enclose a sub-pixel area of said reflective display. (Mamiya Figure 14, col. 7 lines 35-40).

Response to Arguments

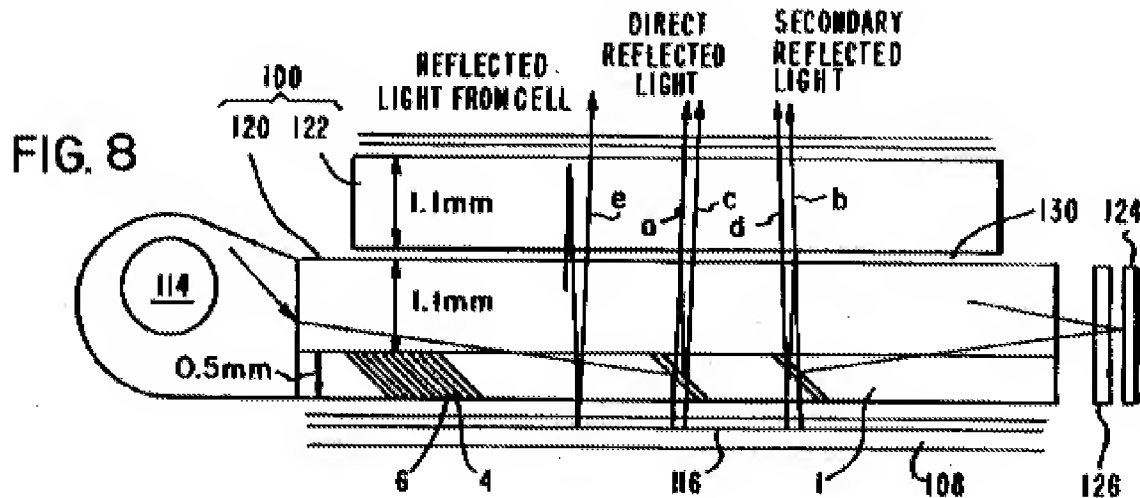
Applicant's arguments filed on August 06, 2008 have been fully considered but they are not persuasive for the following reasons :

It is noted that in view of the extensive changes to claims a new rejection was necessitated. Applicants' arguments are also moot.

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Applicants' first argument that Mamiya's teachings should be limited to reflective-type display is not persuasive because Mamiya also teaches reflective-type display e.g.

figure 8 :



Further Mamiya figs. ,col. 7 lines35-40 and col. 10 line 35, etc. describe reflective display comprising pixels and light conducting spacers are shown in AAPR.

Applicants' argument with respect to "embedded light guide" is moot as none of the present claims recite this feature.

Therefore all of the presently recited limitations of claims independent 33-35 are taught by the applied references as shown above.

Dependent claims 3-11,14-22,25-27 and 29-32 were alleged to be allowable because of their dependency upon allegedly allowable independent claims 33-35.

However as shown above independent claims 33-35 are not allowable, therefore dependent claims 3-11, 14-22, 25-27 and 29-32 are also not allowable.

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As previously stated, Applicants' arguments on pages 11-12 are not persuasive because contrary to applicants' contention the application of Masham case law is not dependent on use of certain specific words in the claims.

Therefore all pending Claims 3-11,14-22,25-27 and 29-35 are finally rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN H. RAO whose telephone number is (571)272-1718. The examiner can normally be reached on 8.30-5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1714. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven H Rao/
Examiner, Art Unit 2814

/Howard Weiss/
Primary Examiner, Art Unit 2814